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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

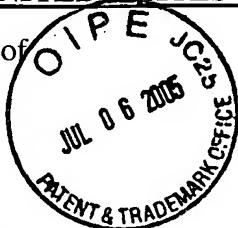
In re Patent Application of

KWOK et al.

Serial No. 10/700,252

Filed: November 4, 2003

For: FOREHEAD SUPPORT FOR FACIAL MASK



Atty. Ref.: 4398-303

TC/A.U.: 3743

Examiner: Nihir B. Patel

\* \* \* \* \*

July 6, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR SUBSTITUTE OFFICE ACTION**

In response to the Office Action dated June 14, 2005, Applicants respectfully request that a new Office Action be issued which addresses new claims 17-30 instead of canceled claims 1-16. A copy of Applicants' November 4, 2003 Preliminary Amendment along with a date stamped postcard receipt is attached hereto.

Prompt and favorable examination of claims 17-30 is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

Paul T. Bowen  
Reg. No. 38,009

PTB:jck

Attachments:

Preliminary Amendment  
Date Stamped Postcard Receipt

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New Patent Application C#/M#: 4398-303  
Serial No.: Continuation of U.S. Serial No. 10/264,326  
Date: November 4, 2003

Inventor/s: KWOK et al. Atty: PTB  
Title: FOREHEAD SUPPORT FOR FACIAL MASK

X Preliminary Amendment  
11 Pages Specification, claims & Abstract

16 Claims

8 Sheets of Drawings

X Declaration (2 Pages)

X Assignment (3 Pages) Including Cover  
Priority Document(s)

\$ Fee (Check) - Pre-Bill

\$810.00 Fee (Check) - Non Pre-Bill

\$810.00 Total Fee Enclosed

Other:Information Disclosure Statements (2), Exclusive  
Substitute Power of Attorney

New Patent Application C#/M#: 4398-303  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

KWOK et al.

Atty. Ref.: 4398-303

Confirmation No. Unassigned

Appl. No. Continuation of U.S. Serial No. 10/264,326

Group: 3761

Filed: November 4, 2003

Examiner: Unknown

For: FOREHEAD SUPPORT FOR FACIAL MASK

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November 4, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT**

In order to place the above-identified application in better condition for examination,  
please amend the application as follows:

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Continuation of U.S. Serial No. 10/264,326  
November 4, 2003

**AMENDMENTS TO THE SPECIFICATION:**

Please insert the following paragraph before the first line on page 1:

This application is a continuation of Application No. 10/264,326, filed October 4, 2002, pending, which is a continuation of Application No. 09/502,745, filed February 11, 2000, now U.S. Patent No. 6,532,961, each of which is incorporated herein by reference in its entirety.

Page 5, line 1, please amend the paragraph as follows:

Fig. 15 is a side view, with enlarged details (in Figure 16) of a fourth embodiment of a forehead support according to the invention.

Page 5, line 3, please amend the heading as follows:

**DETAILED DESCRIPTION OF [[THE]] PREFERRED EMBODIMENT**

**EMBODIMENTS**

Page 6, lines 4-12, delete the entire paragraph and replace it with the following new paragraph:

As best shown in Figs. 2 and 3, the cushion frame 12 also includes a flexible member 32 which has two side by side spaced apart tongues 34 and a middle protruding button 36 on its distal end. The joining member 14 also includes two generally arcuate shaped portions 38 that each have a pair of four grooves 40. It will be appreciated that the pair of four grooves is merely preferable and that only two or more grooves are required. It will also be appreciated that the flexible member 32 can be on the joining member 14 and the grooves 40 can be on the cushion

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November 4, 2003

frame 12. The tongue 34 and the grooves 40 extend in a direction substantially parallel to a line extending radially from the axis 30.

Page 7, line 28, please amend the paragraph as follows:

~~Fig. 15 shows~~ Figs. 15 and 16 show a fourth embodiment of a forehead support 100 according to the invention. Like reference to those used in describing the first embodiment will also be used to denote like features in relation to the fourth embodiment.

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-16. Canceled

17. (New) A forehead support adapted to be secured to a respiratory mask, said forehead support comprising:

a joining member for securing to the mask; and

a cushion frame provided to the joining member, wherein

the cushion frame is adapted to locate one or more forehead cushions, and

the cushion frame includes a depressable push button, the push button being structured and configured to selectively lock the cushion frame in at least one predetermined position relative to the joining member.

18. (New) The support as claimed in claim 17, wherein the cushion frame is T-shaped and includes a forehead cushion at each end of the upper portion of the T.

19. (New) The support as claimed in claim 17, wherein one of the cushion frame or joining member includes a tongue adapted to be received in one of at least two grooves provided on the other of the cushion frame or joining member so as to lock the cushion frame and joining member at one of a plurality of predetermined positions.

20. (New) The support as claimed in claim 19, wherein the tongue is provided on the cushion frame and at least two pairs of grooves are provided on the joining member.

21. (New) The support as claimed in claim 20, wherein the cushion frame pivots relative to the joining member about an axis and the tongue and grooves extend in a direction substantially parallel to a line extending radially from the axis.

22. (New) The support as claimed in claim 20, wherein the cushion frame pivots relative to the joining member about an axis and the tongue and grooves extend in a direction angled with respect to a line extending radially from the axis.

23. (New) The support as claimed in claim 20, wherein the tongue is provided on a semi-rigid member which is adapted to permit the tongue to be moved out of engagement with a respective one of the grooves by manual manipulation of the semi-rigid member.

24. (New) The support as claimed in claim 20, wherein said push button is adapted to protrude from the cushion frame to facilitate manual manipulation of the member.

25. (New) The support as claimed in claim 17, wherein the cushion frame includes a head strap connector.

26. (New) The support as claimed in claim 17, wherein the joining member is produced from polypropylene or polycarbonate.

27. (New) The support as claimed in claim 17, wherein the cushion frame is produced from polypropylene or polycarbonate.

28. (New) The support as claimed in claim 17, wherein the cushion frame and the joining member are integrally formed and connected by an integral hinge that allows relative movement there between.

29. (New) A respiratory mask assembly comprising:  
a respiratory mask; and  
a forehead support secured to the mask, said forehead support including a joining member secured to the mask and a cushion frame provided to the joining member, wherein the cushion frame is adapted to locate one or more forehead cushions, and the cushion frame includes a depressable push button, the push button being structured and configured to selectively lock the cushion frame in at least one predetermined position relative to the joining member.

30. (New) A locking mechanism for locking a forehead support of a facial mask, the forehead support including moveable T-bar and a joining member secured to the mask, the locking mechanism comprising:

(i) a cantilevered member structured to be fixed at a first end to the T-bar, the cantilevered member being adapted to flex between a first and a second angular positions,  
(ii) a button member molded to a second end of the cantilevered member and projecting generally at right angles from the cantilevered member;

(iii) a tongue member molded to the second end of the cantilevered member and having a first shape; and

(iv) at least one groove having a generally complementary shape to the tongue member and adapted to receive the tongue member;

whereby the locking mechanism is adapted to lock the position of the T-bar relative to the mask when the tongue is in a first engaging position and to allow the T-bar to move relative to the mask when the tongue is in a second disengaged position.

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Continuation of U.S. Serial No. 10/264,326  
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**REMARKS/ARGUMENTS**

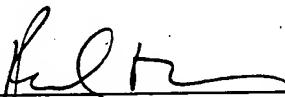
Claims 17-30 are pending. Claims 1-16 are canceled and new claims 17-30 are added hereby. The specification has been amended to carry over changes approved in the parent application.

Prompt and favorable examination is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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Reg. No. 38,009

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